



City of
Newcastle



CITY OF NEWCASTLE

PUBLIC VOICE COMMITTEE

Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that a Public Voice Committee will be held on:

DATE: Tuesday 16 August 2022

TIME: 6.00pm

VENUE: Council Chambers
Level 1
City Administration Centre
12 Stewart Avenue
Newcastle West NSW 2302

J Bath
Chief Executive Officer

**City Administration Centre
12 Stewart Avenue
NEWCASTLE WEST NSW 2302**

9 August 2022

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In participating in this Meeting, Councillors are reminded of their oath or affirmation of office made under section 233A of the Local Government Act 1993, and of their obligations under City of Newcastle's Code of Conduct for Councillors to disclose and appropriately manage conflicts of interest.

**PUBLIC VOICE COMMITTEE
16 August 2022**

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PUBLIC VOICE SESSIONS

ITEM-1 **PV 16/08/22 - 49 CARRINGTON PARADE, NEW LAMBTON - DA2021/01185 - DWELLING HOUSE - DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF TWO STOREY HOUSE INCLUDING ANCILLARY DEVELOPMENT (POOL AND RETAINING WALLS)**

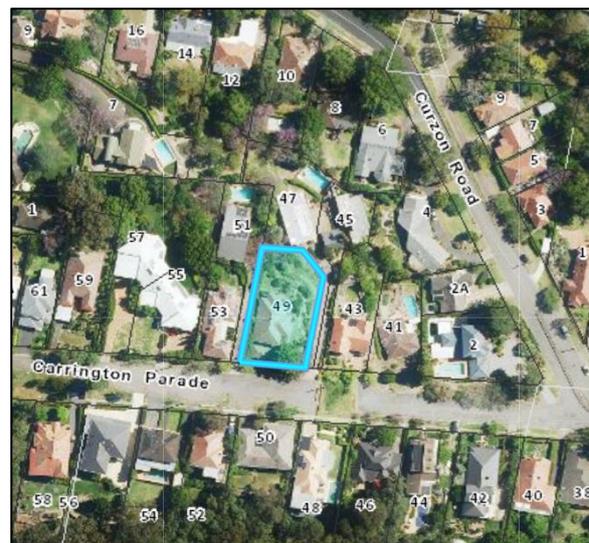
APPLICANT: **ARCHIE BERNARD MORONEY**
OWNER: **A B MORONEY**
REPORT BY: **GOVERNANCE**
CONTACT: **DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER/ MANAGER REGULATORY, PLANNING AND ASSESSMENT**

PURPOSE

A Development Application (DA2021/01185) has been received seeking consent for demolition of existing structures and erection of two storey dwelling house including ancillary development (pool and retaining walls) at 49 Carrington Parade New Lambton.

The submitted application has been assigned to Development Officer Elle Durrant for assessment.

The application is referred to the Development Applications Committee for determination due to the application being called in by Councillor Winney-Baartz and Councillor Margaret Wood.



Subject Land: 49 Carrington Parade New Lambton

The original proposal was publicly notified in accordance with City of Newcastle's (CN) Community Participation Plan (CPP), with a total of four submissions received during the notification period objecting to the proposed development.

Concerns raised by the objectors in respect to the proposed development include height of building, heritage, streetscape, view loss, overlooking, vegetation loss, colour and material selections, stormwater management, earthworks, and inconsistent documentation.

During the assessment, amendments were made to the original proposal and additional information was submitted in response to CN's request for information. This related to the concerns of objectors in regard to height of building and view sharing, with the ridgeline of the proposal being reduced in height to comply with the height of building development standard under the Newcastle Local Environmental Plan 2012 (NLEP 2012).

A copy of the current amended drawings for the proposed development is attached at **Attachment A**.

1.0 THE SITE

The site consists of a single allotment known as 49 Carrington Parade New Lambton and has a legal description of Lot 2 in Deposited Plan 500453. The irregular shaped allotment is located on the north side of Carrington Parade. The lot has a frontage of 24.994 metres, a maximum depth of 44.704 metres, and a total area of 1069sqm. The site has views towards the north, east and south and significant falls across the site; the land falls approximately 10.5m from the southwest corner at Carrington Parade to the northeast at the rear of the site.

The site contains two mature trees, located toward the southeast corner of the site adjacent to the street frontage, and smaller vegetation typical of the residential setting.

Existing improvements on the site include a single storey brick and tile roof dwelling house and detached garage. Vehicular access to and from the site is provided via an existing driveway crossing to Carrington Parade. A substantial retaining wall bounds the site along the eastern and northern boundaries.

The neighbouring context is varied, comprising traditional single and two storey residential dwellings with ancillary development (detached garages, swimming pools etc.), as well as increasingly more new contemporary residences. The neighboring allotments bounding the side and rear boundaries of the subject site are 'battleaxe' lots.

2.0 THE PROPOSAL

The applicant seeks consent for demolition of existing structures and erection of a two-storey dwelling house including ancillary development (pool and retaining walls).

The proposed works include:

- i) Demolition of existing single storey dwelling house and detached garage.
- ii) Removal of two trees.
- iii) Erection of a two-storey dwelling house consisting of:

- a) *Ground Floor*
Attached double garage with storage, laundry, bathroom, guest bedroom/ study, open plan kitchen living and dining, covered outdoor area with bar.
- b) *First Floor*
Three bedrooms (master with walk in robe and ensuite), bathroom, rumpus, and balcony
- iv) New inground swimming pool and associated fencing and paving.
- v) Associated siteworks including retaining walls, driveway hardstand, landscaping and stormwater works.

A copy of the current amended drawings for the proposed development is attached at **Attachment A**.

3.0 PUBLIC NOTIFICATION

The application was publicly notified for a period of 14 days, between 14 September 2021 and 28 September 2021, in accordance with City of Newcastle's (CN) Community Participation Plan (CPP). A total of four submissions were received during the notification period objecting to the proposed development. It is noted that the amended plans did not require re-notification in accordance with CNs CPP.

The concerns raised by the objectors in respect of the proposed development are summarised as follows:

a) Statutory and Policy Issues

- i) Height of building: the original proposal does not comply with the height of building development standard of 8.5m prescribed under NLEP 2012.
- ii) Heritage: concerns that no significance has been placed on preserving the existing dwelling house, which is the opinion of submitters is '*a unique Californian Bungalow*', which '*is part of the New Lambton Village and Blackbutt Village history*'.

b) Amenity Issues

- i) Streetscape: that proposed development is unsympathetic to the surrounding neighbourhood and will negatively impact the existing streetscape.
- ii) View loss: the proposed development will have a devastating impact on the existing views enjoyed by the neighbouring dwelling house to the west at No. 53 Carrington Parade.

- iii) Overlooking: potential overlooking issues from the pool area and adjacent level turf area of the proposed development. In particular, the potential for casual overlooking to occur given the elevation of these proposed outdoor areas and the low level of the neighbours at 45 Carrington Parade which has a small grassed area near the bottom of their driveway that the residents frequency use as their 'sunny outside area'.
- iv) Vegetation loss: the proposed removal of two trees would negatively impact the neighborhood and landscape quality of the area. Furthermore, one submission suggested that one of the trees proposed to be removed is partially located within the road reserve.

c) Design and Aesthetic Issues

- i) Colour and material selections: development application did not indicate the tone, colour, and reflective quality of the bricks selected for the proposed development. In particular, the submitter would like non-reflective bricks to be used.

e) Miscellaneous

- i) Stormwater management: proposed development will increase stormwater runoff from the subject site onto the downhill neighbours to the east.
- ii) Earthworks: the documentation submitted with the development application did not indicate the height of the various retaining walls proposed.
- iii) Inconsistent documentation: inconsistencies within the documentation submitted with the development application in regard to tree removal.

4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT

Statutory and Policy Issues

The site is located in the R2 Low Density Residential zone under the NLEP 2012, and the proposed development is permissible with development consent as a 'dwelling house' which is a type of 'residential accommodation' as defined under the NLEP 2012.

Clause 4.3 of the NLEP 2012 specifies a permissible building height of 8.5 meters. The original proposal has a maximum building height of 8.85m which exceeded the height of building development standard by 0.35 meters, equating to a 4% variation. The amended application resulted in a reduced height of 750mm, resulting a maximum building of height of 8.m.

Clause 4.4 of the NLEP 2012 specifies a maximum FSR of 0.6:1 is permissible on the site. The proposed development has an FSR of 0.27:1.

The subject site is not a listed heritage item, is not within a heritage conservation area, nor is it within the vicinity of a heritage item. As such, there are no applicable heritage conservation provisions under the NLEP 2012 or NDCP 2012.

The subject site is within a declared Mine Subsidence District under Section 20 of the Coal Mine *Subsidence Compensation Act 2017*. Conditional approval for the proposed development has been granted by SA NSW, via the stamping of plans, and the SA NSW Notice of Determination dated 2 September 2021 (SA NSW Ref: TBA21-02893).

The site is mapped as Bush Fire Prone Land 'vegetation buffer' for the purposes of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). A bushfire assessment, prepared by Peak Land Management Pty Ltd (dated 1 December 2021), has been submitted in support of the development.

Amenity Issues

The proposed development is consistent with the existing development on site with regards to building orientation and presentation. The site currently includes a detached garage, which presents a blank wall to Carrington Parade, with the dwelling behind. The proposed single storey garage maintains the street setback of the existing detached garage to be demolished, with the two storey element of the proposed dwelling house being located beyond.

The proposed garage, similar to the existing garage, does not face the Carrington Parade road frontage, instead the garage door has been orientated perpendicular to the street front boundary meaning it is generally not visible from the street. The arrangement of the driveway hardstand results in sufficient area for additional car parking in front of the garage wholly within the property.

The properties along this section of Carrington Parade enjoy distant ocean views across the suburban plain looking northeast and east down Carrington Parade and across side boundaries of adjoining properties. The potential for view loss, as a result of the proposed development, has been identified concerning the existing single storey dwelling on No. 53 Carrington Parade which adjoins the subject site to the west.

A View Analysis, prepared by De Witt Consulting (dated 7 March 2022) was submitted with the application. The existing views enjoyed from No. 53 Carrington Parade are classified as partial, interrupted views and obtained across boundaries. These land views are currently interrupted by existing vegetation on the property of No. 53 Carrington Parade, the existing dwelling on the subject site, as well as existing vegetation on the subject site and neighboring properties further east. The views also include distant and interrupted glimpses of water, noting that the ocean shoreline is in excess of 7 kilometers to the east and separated by urban sprawl. In addition, the amended proposal now complies with the height of building

development standard under the NLEP 2012, and the built form is wholly contained within the building envelope described under the NDCP 2012. A copy of the view analysis submitted with the application is attached at **Attachment B**.

The location of windows for the proposed development will adequately maintain visual privacy between the proposed dwelling and the neighbouring dwellings. Generally, windows to living areas are setback over 12m from the site boundaries, and as such do not require any additional privacy attenuation measures under the NDCP 2012. The first floor window to the 'rumpus' room, which is setback 2.1m from the west side boundary, is in compliance with the visual privacy provisions under the NDCP 2012 by the provision of a minimum 1.5 metre window sill height. The principal area of private open space for the proposed development (ground level 'covered outdoor area') is setback over 12m from the site boundaries and as such does not require additional privacy attenuation measures under the NDCP 2012.

The proposed development will result in approximately 504sqm of landscape area, equating to 47% of the total site area, which complies with the minimum landscape area described under the NDCP 2012. Two trees are proposed to be removed under this application; a Lilli Pilli and Jacaranda located in the southeast corner of the subject site. An Arborist Report, prepared by Abacus Tree Services dated November 2021, has been submitted which provides an assessment of development impacts of the proposed development for existing trees on the subject site and demonstrates that tree removal is reasonable.

Design and Aesthetic Issues

The site is not located within a heritage conservation area and there is no character statement or locality specific controls for this area. As such, there are no relevant provisions under the NLEP 2012 or NDCP 2012 regarding colour and material selections. Notwithstanding, in response to Council's request for information, the current amended architectural documentation was submitted and includes details of the colour and material palette proposed.

The design incorporates a mixture of lightweight cladding materials (flat panels with expressed seems, and timber cladding) with masonry building elements (face brickwork, stonework, and concrete) which provides visual interest and amenity to the development. A 'street perspective' (prepared by SDA, Drawing No. DD003, Issue No. 08, dated 07 March 2022) of the proposed dwelling is provided in the current amended plans attached at **Attachment A**.

Miscellaneous

A detailed stormwater management plan prepared by DRB Consulting Engineers was submitted with the application. A 5,500L stormwater tank is proposed to collect rainwater from the roof areas for reuse. The stormwater will terminate to the street gutter. Surface runoff from the driveway hardstand, pool area hardstand, and adjacent leveled turf area is directed to the site stormwater system for disposal on Carrington Parade.

The heights of all proposed retaining walls are shown on the submitted stormwater management plan. Whilst the retaining walls on the north-eastern side of the site will have weep holes in the bottom, stormwater discharge to the rear of the site has been suitably minimised having regard to the reduced run-off from the remainder of the site (which is now being directed for disposal on Carrington Parade) when compared to the existing (which does not capture any run-off from the rear of the site instead allowing it to continue to downhill properties)

ATTACHMENTS

Item 1 Attachment A: Submitted Plans – 49 Carrington Parade New Lambton

Item 1 Attachment B: View Analysis – 49 Carrington Parade New Lambton

Item 1 Attachments A and B distributed under separate cover